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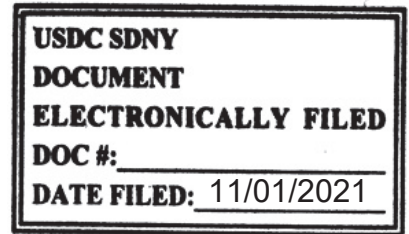
October 22, 2021

Via ECF

Hon. Robert W. Lehrburger, U.S.M.J. (S.D.N.Y.)

Re: *Microbot Medical Inc. v. Mona*, No. 1:19-cv-3782-GBD (RWL)

**Motion to Compel Marcus Mona's Virtual Deposition Within 14 Days
(on or before November 5, 2021)**



Your Honor:

Your Honor's Order after our conference yesterday directed the parties to proceed with Mona's virtual deposition. Prior to the conference, Defendant's counsel had represented that Marcus Mona was prepared to be deposed virtually on or after October 7, 2021. As Your Honor will recall, the parties confirmed to the Court that the only reason that Marcus Mona's deposition had not been scheduled was because of Plaintiff's pending motion to require an in-person deposition. Following the Court's order denying that request, Plaintiffs asked Defendant's counsel to propose any date next week (i.e., the week of October 25, 2021) for the virtual deposition.

Defendant's counsel's response was that Plaintiff's counsel should pick a date in "mid to late November" instead. This is unreasonable. Marcus Mona does not need 6-weeks advance notice to schedule a virtual deposition that his counsel stated he was prepared to go forward with 3 weeks ago.

The deadline set by the Court to complete the limited discovery raised by the portion of the Amended Counterclaim that was not dismissed with prejudice is: December 10, 2021. We do not want to be faced with another bait-and-switch, or other surprise information presented by Defendant's counsel in "late November" that could result in an extension of the discovery deadline. We respectfully remind the Court that our client has a judgment and has been waiting patiently to collect.

Accordingly, we request entry of an Order directing Defendant's counsel to schedule Marcus Mona's virtual deposition within 14 days of this letter, i.e., on or before November 5, 2021; or else precluding Marcus Mona from submitting any evidence in any form or on any issue in this case.

Respectfully submitted,

s/ Miriam Tauber

Miriam Tauber

Attorney for Plaintiff / Judgment Creditor Microbot Medical Inc.

cc: all counsel (via ECF)

No opposition having been received, the application is granted in part: Marcus Mona's virtual deposition shall be scheduled to take place on or before November 17, 2021.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'R. Lehrburger', written over a horizontal line.

11/01/2021

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE